



General Assembly

Amendment

May Special Session, 2016

LCO No. 6440



Offered by:

SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. KISSEL, 7th Dist.
SEN. KANE, 32nd Dist.
SEN. BOUCHER, 26th Dist.
SEN. CHAPIN, 30th Dist.
SEN. FORMICA, 20th Dist.
SEN. FRANTZ, 36th Dist.

SEN. GUGLIELMO, 35th Dist.
SEN. HWANG, 28th Dist.
SEN. KELLY, 21st Dist.
SEN. LINARES, 33rd Dist.
SEN. MARKLEY, 16th Dist.
SEN. MARTIN, 31st Dist.
SEN. MCLACHLAN, 24th Dist.

To: Senate Bill No. 505

File No.

Cal. No.

"AN ACT CONCERNING A SECOND CHANCE SOCIETY."

1 Strike subdivision (1) of subsection (a) of section 4 in its entirety and
2 substitute the following in lieu thereof:

3 "(a) (1) The court shall automatically transfer from the docket for
4 juvenile matters to the regular criminal docket of the Superior Court
5 the case of any child or young adult charged with the commission of a
6 capital felony under the provisions of section 53a-54b in effect prior to
7 April 25, 2012, a class A felony, or a class B felony, except as provided
8 in [subdivision (3) of this] subsection (b) of this section, or a violation
9 of section 53a-54d, provided such offense was committed [after such
10 child attained the age of fifteen years] by a child when such child was

11 at least fifteen years of age or by a young adult, or a violation of
12 section 53a-60a, 53a-60b or 53a-60c committed when such person was a
13 young adult, and counsel has been appointed for such child or young
14 adult if such child or young adult is indigent. Such counsel may
15 appear with the child or young adult but shall not be permitted to
16 make any argument or file any motion in opposition to the transfer.
17 The child or young adult shall be arraigned in the regular criminal
18 docket of the Superior Court at the next court date following such
19 transfer. [provided any] Any proceedings held prior to the
20 finalization of such transfer shall be private and shall be conducted in
21 such parts of the courthouse or the building in which the court is
22 located that are separate and apart from the other parts of the court
23 which are then being used for proceedings pertaining to [adults]
24 persons charged with crimes on the regular criminal docket."

25 Strike subdivision (2) of subsection (c) of section 4 in its entirety and
26 insert the following in lieu thereof:

27 "(2) Notwithstanding any provision of the general statutes, when
28 sentencing a person whose case has been transferred to the regular
29 criminal docket of the Superior Court pursuant to this section and who
30 is convicted of an offense for which there is a mandatory minimum
31 sentence which shall not be suspended, the court may suspend the
32 execution of such mandatory minimum sentence if such person was
33 under eighteen years of age at the time of the offense, except if the
34 offense is a violation of section 53a-59, 53a-59a or 53a-61a."

35 Strike subdivision (1) of subsection (a) of section 33 in its entirety
36 and substitute the following in lieu thereof:

37 "(1) "Youth" means (A) a [minor who has reached the age of sixteen
38 years but has not reached the age of eighteen years] person who is
39 sixteen years of age or older but under twenty-one years of age at the
40 time of the alleged offense, except if the alleged offense is a violation of
41 section 53a-60a, 53a-60b or 53a-60c, in which case the person is sixteen
42 or seventeen years of age, or (B) a [child] person who has been

43 transferred to the regular criminal docket of the Superior Court
44 pursuant to section 46b-127, as amended by this act; and"